



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

290

CRM-M-66092-2025 (O&M)
Date of decision : 26.11.2025

Sammi & Ors.

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Navraj Singh Mahal, Advocate for the petitioners.

Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Section 20 of the 'Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act' only, the FIR No.288 dated 06.10.2025 has been lodged in Police Station Rama Mandi, District Jalandhar. Since the petitioners are apprehending arrest in the abovementioned case, and their application for anticipatory bail has been dismissed by the learned Judge, Special Court Jalandhar, vide order dated 11.11.2025, the petitioners are seeking the anticipatory bail, by virtue of present petition. The petitioners are claiming the abovesaid concession by invoking the provisions enshrined under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being when on the basis of a tip-off, given to SI/SHO Manjinder Singh, a raid was conducted and from the possession of



two persons, namely Dholu Ram and Seema, 150 gms of ganja was recovered.

3. It is the case of the prosecution that on recovery of abovementioned contraband, requisite formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of accused were performed, and thereafter, further investigation taken up. According to prosecution, during the course of investigation, when the abovementioned two accused were interrogated, they nominated the present petitioners.

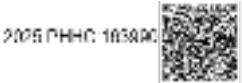
4. Heard.

5. The record has been perused carefully.

6. A perusal of record shows that the recovery of contraband from the possession of co-accused of the petitioners is 150 gms of ganja, which is a small quantity. Thus, it is apparent on the face of it, that the offence is bailable in nature. However, a perusal of record further shows that without proper appreciation of facts, the learned Special Judge Jalandhar has dismissed the application for anticipatory bail of the petitioners. It has been declined by virtue of order dated 11.11.2025, while observing that custodial interrogation of the petitioners is necessary.

7. It is difficult to understand that once the offence is bailable, which means that the petitioner has a right to be released on bail, how the question of custodial interrogation may arise. Thus, without commenting anything on the merits of the case, it is hereby held that the present petition deserves to be allowed. Hence, the petitioners are hereby held entitled for the benefit of anticipatory bail, subject to the following conditions:

- i) that the petitioners shall join the investigation as and when required by the investigating agency;



- ii) that the petitioners will not leave the country without prior permission of the Court;
- iii) that the petitioners will not influence the witness or interfere in the process of collection of evidence by the investigating agency; and
- iv) that the petitioners will abide by the conditions as specified under Section 482(2) of the BNSS.

8. In terms of abovementioned conditions, the present petition stands *allowed*, with a direction that in the event of their arrest, the petitioners shall be released on anticipatory bail on furnishing bonds to the satisfaction of Arresting Officer/trial Court. However if served with any notice by the Investigating Officer, the petitioner shall join the investigation as and when called by the Investigating Officer.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 26, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No